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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,504	03/28/2001	Brian N. Sawyer	04816P003	5218

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EXAMINER

BAYERL, RAYMOND J

ART UNIT PAPER NUMBER

2173

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/821,504

Applicant(s)

SAWYER, BRIAN N.

Examiner

Raymond J. Bayerl

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 7, 10 - 15, 17 is/are rejected.
- 7) ☒ Claim(s) 8 - 9, 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

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1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 106, in fig 1, as described at page 4 (might applicant have intended 114 in the specification?). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. Claims 1 – 17 are objected to because of the following informalities: “at least one of the criterion [criteria?]”, claims 1, 12. Appropriate correction is required.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 1 – 4, 7, 10 – 15, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al. (“Ono”; US #5,668,966 A).

As per independent claim 1 (see also independent claim 12), Ono’s SYSTEM AND METHOD FOR DIRECT MANIPULATION OF SEARCH PREDICATES teaches the creation of a primitive predicate by inputting search items (that is, file attributes) (Abstract), which may be represented as an icon representing the predicate (col 4, lines 53 – 59. Thus, Ono anticipates “defining a library of available criteria” by creation of predicates, “to be used in filtering a population of items to identify items of interest, each criterion having a graphical representation”.

As for "receiving a selection of at least one of the criterion [sic]", please note the style of direct manipulation interface provided in Ono: the user can create a logical operation expression for identifying search conditions by presenting, as a folder, a composite predicate representing a logical operator, and dragging and dropping an icon representing a predicate in the folder (col 4, lines 37 – 52). By choosing a particular composite predicate from among those shown in the tree structure of figs 4B, 8, "an indication of a tier of the filter" is made, in which to place the predicate. Then, in the [a]pplication of a predicate (col 12, line 51ff), Ono teaches "identifying a list of items of interest satisfying a current set of criteria defining the filter", which will be displayed (see also claims 4, 15).<sup>12</sup> The graphical illustration of predicate creation (see figs 11 – 14), Ono provides "a graphical indication of the filter while the filter is constructed".

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The inclusion of a primitive predicate into a composite predicate, as referenced above, is one in which "a graphical representation of the selected criterion is merged with a graphical representation of the indicated tier" (claims 2, 13); note in particular the identically-disclosed product-of-sum "Boolean OR"/"Boolean AND" structure, as in claims 3, 14. Because the intermediate composite predicate terms in Ono may be individually manipulated and used to search a database collection, "an indication of one of the tiers of the filter" may be selected and evaluated to generate "a group of items" (claims 7, 17).

Thus, "user customizable filter criteria" (claim 10) are built with the Ono interface, from a "predefined" "library of available criteria" (claim 11), in the form of previously-created primitive predicates.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono.

As per claim 5's "tally of the list of items of interest" and claim 6's "displaying the tally of the list", while Ono must display something in the way of a results set, Ono does not **explicitly** teach a numerical "tally". However, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to provide such a count when returning results, so that the user will have a better appreciation of the magnitude of what the "filter" has found.

7. Claims 8 – 9, 16 are allowable over the prior art now made of record (see attached form PTO-892).

While Ono teaches a generalized database search procedure using "tier"-assignable "criteria", the application to "securities" (claims 8, 16) or "a community of investors" (claim 9) is not taught nor suggested by the prior art now made of record. Where the notion of user-groups sharing such a common interest **does** become implied, as in Lang et al. ("Lang"; US #6,308,175 B1), the search interface is not so specific as to read upon the presently-claimed structure. Lang, it should also be noted, does not have a direct disclosure of investment-specific collaborative searching.

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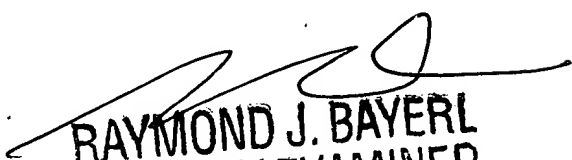
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining US Patent documents made of record are related to applicant's topic of visually-oriented search techniques.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239 for Official submissions, (703) 746-7238 for filings after final rejection and (703) 746-7240 for non-official communications.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173  
15 October 2003